

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Supplements and Settlements to Pending Closed)
Groups of Noncommercial Educational Broadcast)
Applications Due by June 4, 2001)

MM Docket No. 95-31

To: Chief, Mass Media Bureau

COMMENTS IN SUPPORT OF
MOTION FOR EXTENSION OF TIME

Bridge Broadcasting, Inc., Central Florida Christian Radio, Howell Mountain Broadcasting Company, LifeTalk Broadcasting Association, the Mary V. Harris Foundation, Southern Idaho Corporation of Seventh-day Adventists, and Upper Columbia Media Association (jointly, the "Commenters"), by their attorney, hereby state their support for a Motion for Extension of Time filed with the Commission on May 11, 2001 jointly by Station Resource Group, Educational Media Foundation, National Public Radio, CSN International, the National Federation of Community Broadcasters, Positive Alternative Radio, Inc. and Calvary Chapel of Twin Falls, Inc. (the "Petitioners").

The Petitioners asked the Commission to postpone the deadline for submitting supplemental amendments and/or proposed settlement agreements with respect to closed groups of pending mutually exclusive applications for new noncommercial FM and television stations, or for major modifications to such stations. In a Public Notice, DA 01-729, released March 22,

2001, the Commission announced that the deadline for such submissions is to be June 4, 2001. In connection with settlements that are proposed and submitted during the interval until that date, the Commission has waived the restrictions on settlement consideration in §73.3525(a)(3) of its rules. The Petitioners requested that this filing deadline be postponed for 45 days, until July 19, 2001, and that the waiver continue in effect for proposed settlement agreements filed during that extended period of time.

The Commenters support the Petitioners' Motion and urge the Commission to grant it. Collectively, the Commenters have 28 applications pending in the announced closed groups. The Commenters know from practical experience in beginning to assess their relative circumstances and to negotiate with their competitors that all of the issues raised by Petitioners to demonstrate the need for the extension are legitimate real-life obstacles to achieving the best results. With additional time, many more of the closed groups will be able to attain settlements and thereby avoid the protracted comparative process -- which still has a long way to go before cases can actually be resolved.

However, the Commenters suggest one refinement on the Petitioners' proposal. The Commenters request that the period during which the Commission will waive the restrictions on settlement consideration be extended for 30 days beyond the filing deadline for supplemental amendments. This would allow applicants to make practical use of the new information disclosed in the amendments filed by mutually exclusive competitors and to evaluate much more accurately each other application's relative merit under the comparative criteria. Equipped with knowledge, negotiators would be able to make more realistic assessments of each other's real "settlement value," and to negotiate with realistic goals and expectations. Without information about the

points each applicant would earn under the comparative criteria, parties are negotiating with each other in the dark. While many applicants may voluntarily share their point information, and some of it may be gathered through independent investigations, there is no assurance that such information is truly reliable. On the other hand, information filed with the Commission in the supplemental amendments will be submitted under the penalty of perjury, with the greater degree of authenticity that that entails. It would be reasonable to give applicants a 30-day period in which to finalize their settlement agreements after the deadline for disclosing the comparative information in the supplemental amendments. If the filing deadline is postponed until July 19, the next 30-day period would expire on August 18, which is a Saturday. The Commenters suggest that the next business day, August 20, 2001, would be a reasonable filing deadline for settlement agreements relying upon a waiver of the rule restricting settlement consideration.¹

Settlements will promote the public interest in that they will allow the sooner issuance of construction permits, the sooner construction of stations, and the sooner initiation of new service to the public. The Commission should do whatever it reasonably can to encourage and foster settlements. Extending the filing deadline for supplemental amendments and the waiver on settlement restrictions would certainly do that.

¹If the Commission does not see fit to extend the filing deadline for amendments, it should nonetheless consider extending the deadline for filing settlement proposals under the waiver for a 30-day (or other reasonable) period of time beyond the amendment filing deadline.

Wherefore, for the reasons stated above and in the Petitioners' Motion, the Commenters respectfully urge the Commission to postpone the due date for the filing of supplemental amendments until and including July 19, 2001, and to extend the waiver of the rule restricting consideration with respect to proposed settlement agreements filed on or before August 20, 2001.

Respectfully submitted,

BRIDGE BROADCASTING, INC.
CENTRAL FLORIDA CHRISTIAN RADIO
HOWELL MOUNTAIN BROADCASTING CO.
LIFETALK BROADCASTING ASSOCIATION
MARY V. HARRIS FOUNDATION
SOUTHERN IDAHO CORPORATION OF
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Their Attorney

May 17, 2001

CERTIFICATE OF SERVICE

I, Donald E. Martin, hereby certify this 17th day of May, 2001, that I have caused a copy of the foregoing document to be served by United States mail with first class postage prepaid upon the following:

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A handwritten signature in black ink, reading "Donald E. Martin", written in a cursive style.

Donald E. Martin